



# City of Manitowoc

900 Quay Street  
Manitowoc, WI 54220  
www.manitowoc.org

## Meeting Minutes Plan Commission

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Wednesday, August 26, 2015

6:00 PM

Council Chambers

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### I. CALL TO ORDER

The Meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:00 PM.

### II. ROLL CALL

**Present:** 7 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer and Dennis Steinbrenner

**Absent:** 1 - Peter Dörner

Staff Present: Nic Sparacio, Paul Braun, Tyler Caulum, Rick Schwarz, Lisa Mueller

Others Present: Michael Tyeptanar, Betty Gundlach, Emily Laurin, Roy L. Luebke, Chad Korte, Nona Korte, Paul Roekle, Shirley Fessler, Bill Fessler, Paul Steinbrecher, James Gannon, Sharon (Pleuss) Gannon, T. Fox, Frank Soltys, Alex Allie, Chris Allie, Matt Hieb, Curt Crotty

### III. APPROVAL OF MINUTES

[15-879](#)

Approval of the Minutes of the July 29, 2015 Meeting.

*Mr. Diedrich stated that he provided his edits to staff prior to the meeting.*

**Moved by Brey, seconded by Hornung, that the Minutes of the July 29, 2015 be approved as amended. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

### IV. PUBLIC HEARING

[15-880](#)

PC 19-2015 Creation of Project Plan and Boundary for Tax Incremental District #18.

*Mr. Sparacio introduced the item to the public, and explained the importance of Tax Incremental Financing (TIF) as a powerful economic development tool that can help improve areas of the city that are in need of redevelopment. TIF can be used to help fund street extensions, sidewalk and trail improvements, or other public amenities. It can also be used to provide incentives for development like grants and loans. TIF is intended to catalyze development that would otherwise not have occurred. Mr. Sparacio described the proposed TIF boundary and project plan. Notification has been provided to all of the owners in the proposed TIF boundary area, and notice of this hearing has been published in the newspaper.*

*The Mayor explained the process to date for creation of the proposed TIF district and*

opened up the floor for public comments. Mayor Nickels called three times for public comments, and no one came forward. The public hearing was closed. Mayor Nickels then opened the topic for discussion by the Commission.

Discussion ensued regarding the area surrounding the intersection of Waldo Blvd and Memorial Drive and whether the proposed TIF district would have any impact the planned reconstruction of the highway. It was noted that the anticipated changes in the intersection design could impact the availability of land for development.

Mr. Hornung clarified that his concern was that he wanted to make sure a new TIF district would not have a negative impact on state funding for the highway reconstruction. Mr. Sparacio stated that the TIF would not affect the state funding for the road, but could be used to help fund some enhancements to the basic plan that the state implements. Mayor Nickels noted that improved access to Mariners Trail from Waldo Blvd is a possible use of TIF funds.

**This Item was discussed. No Action taken.**

## V. PUBLIC INFORMATIONAL HEARING

### [15-881](#)

PC 26-2015 Midwest Assisted Living Partners II, LLC Tender Reflections - Manitowoc Memory Care request for a Conditional Use Permit to locate up to a 72 bed Community Based Residential Facility west of S.T.H. 42 and south of U.S.H. 151 (Calumet Avenue) in a "R-5" and "B-3" Zoning District.

Mr. Braun provided the following background information. The request is from Midwest Assisted Living Partners II, LLC, referred to as Tender Reflections, Manitowoc Memory Care. The request is for a Conditional Use Permit pursuant to 15.370 (27) to locate up to a 72 bed Community Based Residential Facility west of State Highway 42 and south of US Highway 151 (Calumet Avenue) in a 'R-5' and 'B-3' Zoning District. Both zoning districts allow a CBRF by issuance of a CUP. For a CUP the Commission and Council must determine if the proposed use is A. reasonably necessary for the convenience and welfare of the public. B. Is in harmony with the character of the surrounding area. C. Will have a minimal effect or no effect on the surrounding property values. The Commission and Council can affix conditions on the CUP. The 20 year future land use map shows the area as Planned Mixed Use which projects future uses to be a blend of "community business, mixed residential, office, light industrial and Institutional and Community Services" land uses. Tender Reflections has an accepted offer to purchase approximately 8.5 acres +/- of land from the Florence Pleuss Revocable Trust. Tender Reflections is planning a 3 phase building project. The initial single story building is 25,979 sq. ft. which will have 32 units with a total of 46 beds providing long term care for seniors suffering with Alzheimer's, dementia, and memory related illnesses. Future phases would allow up to an additional 36 beds serving up to a maximum of 72 beds. Approximately 25 jobs will be created as part of the project. A certified survey map will be coming in the near future creating the lot; and as part of the CSM the existing east west official map street will be dedicated. The concept plan shows a driveway coming directly off of State Highway 42, this location was approved by D.O.T. The city will require that the driveway be relocated from accessing S.T.H. 42 and be relocated to the future east west street after it's reconstructed.

Mayor Nickels opened up discussion to the Commission.

Ald. Brey stated he is concerned with driveway access off of Highway 42. Ald. Brey commented that Silveridge Subdivision along U.S.H. 151 constructed a turn lane and

wondered if that would be part of the current CBRF proposal. Mr. Braun answered that the development would have to meet D.O.T. standards. Ald. Brey stated his concerns are who was going to pay the cost of the turn lane and how storm water runoff would be handled.

Mr. Braun stated that he expects those topics will come up in the public input. Mr. Braun commented that he received two communications from the public notices. One was from Joy Eberhardt, she owns property to the east of 42. Her concern is that the existing official map does not tie in with her concept plan which was approved in 2007; she has no issues with the development otherwise. Mr. Braun updated the Commission stating that the 2007 Eberhardt concept plan was adopted but the official map street pattern was not amended to date. The other communication received was from Paul Steinbrecher from SMI on behalf of the Pleuss' and Fessler's regarding the drainage and an earlier concept plan showing multiple family structures west of the proposed CBRF location.

The Mayor closed discussion with the Commission and opened up discussion to the public.

Mr. Paul Steinbrecher from SMI, 102 Revere Drive, on behalf of the Pleuss family stated that the Pleuss' have no issue with the project itself, but the preliminary site plan gave them concern with regarding access points onto Highway 42. Right now there is only one access point and if that's used for the project how would the Pleuss' access their property. They feel the road should be put in at least to a point where the secondary access will connect when the road is constructed. Mr. Steinbrecher was also concerned about the current location of the storm pond. The easiest drainage flow is to the north where a wooded wetland area is located. If more water from the storm water pond is sent to the wetlands more land will become unusable due to a larger wetland. Mr. Steinbrecher further stressed that at least a portion of that road should be put in.

Mr. Steinbrecher asked Mr. Braun if he knew the allowed number of access points laid out by the DOT. To which Mr. Braun responded the city and the applicant have been in contact with the DOT and have not yet heard anything from them stating that more than one access would be allowed, however a formal application has not been submitted to the DOT to date.

Matt Hieb, Auth Consulting Associates, 2920 Enloe Street Hudson, WI and Curt Crotty, ICM, 5131 175th St Chippewa Falls, WI., spoke next. Mr. Hieb is the engineer representing the applicant and opened by stating they have had many back and forth emails with the DOT to make sure they could access off of Highway 42 and see what the requirements would be. They are fine with changing the current access to the official map street.

Mr. Steinbrenner asked if the cul-de-sac on the northwest portion of the concept plan would be attached to the future road if the road was constructed. Mr. Hieb responded if the future east/west street were long enough they would attach the cul-de-sac to the new street, the bulb is sized to meet the required dimensions for emergency access for this facility.

Concerning storm water Mr. Heib stated they are in preliminary design and will be meeting the DNR and City requirements for storm water on the site. They have had soil borings done. The current concept plan shows a dry pond and a wet pond.

Mr. Braun asked what direction the water would leave the storm water pond. Mr. Heib responded it would be a combination of flowing to the north or east. Currently all of the

water heads north so they will provide rate and volume control before the water heads to the wetlands to the north.

Mr. Crotty addressed an earlier comment regarding a concept drawing showing multi-family buildings west of the CBRF. He stated there are no current plans for building any of the multi-family buildings, that was an early concept plan of what possibly could be constructed on the undeveloped portions of the property to be purchased. All that he is looking for approval of tonight is on the site plan map provided by Tender Reflections.

Mr. Braun added that the concept map shows apartment complexes entirely in the R-5 zoning district so it would be an allowed use. Mr. Crotty added they were asked to purchase the entire property and asked the engineer to provide a plan for how they would best use the entire property. The map showing multi-family buildings was what the engineers came up with.

Mr. Crotty then addressed a final issue concerning item number 7 on the condition list for the CUP. Condition number 7 states a requirement to ask approval of the Commission for the CBRF to change hands. The main concern is that it could encumber the ability to make business decisions if they have to ask the city if they choose to change ownership. If a CUP was issued there would be no problem with the CBRF and if there were ever problems the CUP could be revoked, but if ownership does change hands and it potentially could be a limitation for the investors to see that kind of condition on the CUP. Mr. Crotty is proposing that the Commission remove or amend condition number 7 of the CUP.

Mr. Braun added that Kurt contacted him earlier in the day and they decided to leave the condition in the draft CUP and have the Plan Commission discuss the issue. Ald. Brey stated there has never been an issue with condition number 7. Mr. Braun stated that, in the past, such a condition would be used to address neighborhood concerns.

Mr. Braun stated on the flip side of the condition there are still conditions allowing up to a 72 bed CBRF and the facility will be constructed as a CBRF. He has no problem with it being removed and stressed that the CUP can be reviewed at any time the Commission and or Council wants.

Mayor Nickels asked if the City has approved a CBRF with this condition before, to which Mr. Braun responded we had. Mr. Crotty asked for an explanation of the basis behind approving or denying the transfer of ownership. The Mayor said it would probably be based on the neighborhood complaints.

Mr. Sparacio said the purpose of the condition is to help address the operational side of the CUP, the general components of a CUP being the site plan, and the operational plan. If those tools are sufficient to regulate the operational side of it this may be duplicative of those tools. Then again it is another check and balance on the ownership side if needed. The basis of approval or denial would be to compare the operational plan of the future owner or transfer to make sure it is consistent with what is originally intended.

Mr. Crotty stressed that condition number 7 would hinder their marketability concerning potential investors or buyers. He appreciates what the Commission is trying to accomplish but suggests better language that would require them to notify the Commission if there is a change of ownership. There already is language stating if they are no longer operating as a CBRF then the CUP is automatically revoked.

Mayor Nickels asked the public for any additional comment. Paul Steinbrecher

*re-addressed the storm water pond issue saying the rate of the storm water pond may be the same as it is now, however there will be more water draining.*

*The Mayor closed public comment.*

*The Mayor opened discussion to the Commission stating the recommendation from the planning department is to approve.*

*Mr. Braun stated staff has not seen a certified survey or site plan which would address a lot of the concerns being brought in reference to the storm water drainage and access issues. The City would require that the street be dedicated, and in the future the issue of when the street gets constructed and who pays for it will need to be addressed.*

*Mr. Steinbrenner stressed his concern for all of the unanswered questions surrounding the CUP. Mr. Hornung asked if dedications for the east / west street included the required petitions. Mr. Braun answered that yes street petitions would be part of the dedications. The Mayor clarified this is a meeting to approve the CUP, the site plan still has to get approved.*

*The discussion was closed.*

**Moved by Hornung, seconded by Diedrich, that the Commission approve the request for the Conditional Use Permit pursuant to conditions and removal of condition number 7. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

## **VI. REFERRALS FROM COMMON COUNCIL: None**

## **VII. OLD BUSINESS**

### [15-882](#)

PC 24-2014: Update Revision to Municipal Code Chapter 15.450 Sign Ordinance.

*Nic Sparacio stated that, the draft sign ordinance is with the consultant at this time. A current issue is a court case concerning content neutrality, and the consultant is taking some extra time to review the ordinance to provide recommendations to let us know if additional changes are necessary.*

**This Item was discussed. No Action taken.**

### [15-883](#)

PC 19-2013 Annual review of the Haven Conditional Use Permit at 1003 Marshall Street.

*The Mayor read the recommendation from the Planning Department which is to approve renewal of the CUP and waive the annual review requirement.*

*Mr. Braun mentioned to Michael Etheridge that the Planning Department would still require an annual demographics report from the Haven.*

**Moved by Hornung, seconded by Diedrich, to re-approve the CUP and recommend that The Haven no longer be required to have an annual CUP Review. The Commission still requires The Haven to submit an annual report on or before January 31st of each year to stay in compliance with the CUP. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

[15-884](#)

PC 1-2015 Willow Spruce release of easement held over from last month.

*Mr. Braun stated that the MPU Electric Department and Comcast are still working on locating utilities on the property; this information is needed before the entities know if the easement can be released. There is no action and the topic will be revisited next month.*

**This Item was tabled. No Action taken.**

[15-885](#)

PC 27-2015 / 37-2006 Deed Restriction between Manitowoc Public Utilities & the City of Manitowoc for property on State Highway 310.

*The Mayor read the recommendation to enter into the deed restriction. The Mayor opened discussion to the commission.*

*Mr. Hornung and Mr. Diedrich abstained from the vote on account of their positions on the MPU Commission.*

*Mr. Braun asked about the text that was added regarding the predecessor not wanting the parcel to be transferred to the City of Two Rivers. Mr. Hornung answered that the previous land owner had an issue with the City of Two Rivers and did not want the property to go to them so MPU is honoring that condition.*

**Moved by Muenzenmeyer, seconded by Koski, that the Commission recommend the City approve the Deed Restriction as part of the general understanding between the parties in 2006. The Commission also recommends that after review and approval by the City Attorney that the Mayor and City Clerk be instructed to sign said deed restriction. The motion carried by the following vote:**

**Aye:** 5 - Alderperson Brey, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

**Abstain:** 2 - Diedrich and Hornung

## VIII. NEW BUSINESS

[15-886](#)

PC 28-2015 Estate of Arland Lawrence: Petition for Direct Annexation, 2410 Hecker Road.

*Mr. Braun opened by describing the property location is located at 2410 Hecker Road and that the surrounding land uses are a mix of business, institutional and residential. Currently the property is in an estate and no one is living in the structure at this time. This is a direct annexation with 100% of the property electors, area and value in favor of annexing. The proposed zoning would be B-2 - Neighborhood Business which is consistent with the comprehensive plan and neighboring zoning classifications.*

*The property directly to the north (2402 Hecker Road) was also interested in annexing, however the property to the north of them (2332 Hecker Road) is not interested in annexing and would be blocked creating a town island which is illegal. The property at 2332 has a majority of the electors so the 2402 property cannot annex along with the 2410 Hecker Road property.*

*The Mayor states that the recommendation is to approve the annexation and place a zoning of B-2, Neighborhood Business on the property.*

*The Mayor opened discussion to the Commission.*

**Moved by Brey, seconded by Steinbrenner, that the Commission recommend that the Council approve the Petition as presented, and adopt an Annexation Ordinance. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

[15-887](#)

PC 19-2015: Discussion and Possible Action on 2015 Creation of Tax Incremental District #18 and adoption of resolution.

*The Mayor opened the discussion and stated the recommendation is to approve creation of the Tax Incremental District 18 boundary and project plan.*

*The major properties in the proposed district are the former Mid-Cities Mall, CVS store and vacant lands, former Elk's Golf Course, and the Waldo East office development.*

*The Mayor opened discussion to the commission.*

*Ald. Brey asked whether the recommendation was for the adoption of the resolution or to bring a resolution to the Council for official action. Mr. Sparacio clarified the the Plan Commission and Council will each have their own adoption resolution for this item.*

**Moved by Hornung, seconded by Diedrich, that the Commission recommend the Common Council approve the TIF District No. 18 Project Plan and boundary and the related resolution. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Diedrich, Hornung, Mayor Nickels, Koski, Muenzenmeyer and Steinbrenner

## IX. MISCELLANEOUS

A. Manitowoc County Activities: None

B. Certified Survey Maps (CSM):

[15-888](#)

Lukas/Abbey Ridge Condominium/Abbey Ridge LLC: NE ¼, NW ¼ Section 18, Township 19 North, Range 24 East, City of Manitowoc.

**This Certified Survey Map for informational purposes only. No Action taken.**

[15-889](#)

Burbey: SW 1/4 , SE ¼ and the SE ¼, SW ¼ and the NE 1/4, SW 1/4 ; Section 1, Township 19 North, Range 23 East, Town of Manitowoc Rapids.

**This Certified Survey Map for informational purposes only. No Action taken.**

C. Summary of Site Plans: From July 22, 2015 to August 21, 2015

[15-890](#)

SP 8- 2015: Grape Grain and Bean; 1226 S. 35th Street; 2,226 sf building addition.

**This Site Plan was for informational purposes only. No Action taken.**

[15-891](#)

SP 9-2015: 924 York LLC (Allie's) parking lot construction.

**This Site Plan was for informational purposes only. No Action taken.**[15-892](#)

SP 10-2105: Americollect: 1851 S. Alverno Road, parking lot construction.

**This Site Plan was for informational purposes only. No Action taken.**

## D. Director's Report

*Mr. Sparacio provided a Director's Report to the Commission via email. There were no questions on the Director's Report.*

**X. ADJOURNMENT****This meeting was adjourned at 7:00 PM.**

Respectfully Submitted,

Paul Braun  
Secretary

CAUTION TO PLAN COMMISSIONERS: The documents attached to this agenda are for your review in preparation for the City Plan Commission meeting to be held on the above date. Any discussion or communication between members of the Plan Commission by any means prior to the Commission meeting regarding these documents may be a violation of the open meeting laws.